

M|H MURPHY HESSE
T|L TOOMEY & LEHANE LLP

Attorneys at Law

Kevin S. Freytag
kfreytag@mhtl.com

August 2, 2019

**VIA FIRST CLASS MAIL
AND ELECTRONIC MAIL**

Mr. John Podesta
MuckRock News
411A Highland Ave.
Somerville, MA 02144-2516
Igloohtml@protonmail.com

Re: Public Records Requests SPR19/0687, SPR19/0688

Dear Mr. John Podesta:

This firm represents Greater Lowell Technical High School (“Greater Lowell”) in response to two (2) requests for public records received by Greater Lowell on Sunday, March 17, 2019 (collectively the “Requests”).

The Requests sought the following records:

REQUEST NO. 1 (SPR19/0687): Emails sent by Superintendent Joseph Mastroccola from January 1, 2019 to March 15, 2019 (SPR19/0687).

RESPONSE: Greater Lowell hereby provides all responsive records within its possession subject to the exemptions set forth below.

Student Information (“Student Information”)

General Laws c. 4, § 7(26)(a), G. L. c. 71, § 34D-H, 603 C.M.R. 23, and Family Education Rights Privacy Act which provide for, among other things, the exemption of student records from the Public Records Law.

Attorney Client Communications (“A-CP”)

In *Suffolk Construction Co., Inc. v. Division of Capital Asset Management* (Suffolk), the Massachusetts Supreme Judicial Court (Court) held that confidential communications between governmental entities and their legal counsel undertaken for the purpose of obtaining legal

Division of Public Records

August 2, 2019

Page 2

advice or assistance are protected under the normal rules of the attorney-client privilege. 449 Mass. 444 (2007).

Privacy Exemption (“Privacy”)

General Laws c. 4, § 7(26)(c), exemption (c), the privacy exemption, which relates to: *personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy.*

Doc. #	Exemption Applied	Basis for Exemption
2-3	Student Information	Correspondence regarding student.
7	Student Information	Correspondence police intervention.
8	Privacy	Correspondence regarding settlement.
16	A-CP	Correspondence with counsel regarding teacher discipline.
17	Privacy	Correspondence regarding employment decision.
34	A-CP	Correspondence with counsel regarding school committee meeting.
38	A-CP	Correspondence with counsel regarding employee.
40	Privacy	Correspondence regarding employee.
42	A-CP	Correspondence with counsel regarding.
53	Privacy	Correspondence regarding students.
55	Student Information	Correspondence regarding specific student incidents.
64	Student Information	Request for Transcript.
137-140	Student Information	Correspondence regarding potential student.
162-3	Privacy	Employee request for leave.
222-5	Student Information	Request for Student Record
227-8	Privacy	Request for Additional Leave
230-1	Privacy	Request for Family/Medical Leave
233-4	Privacy	Request for Bereavement
292	A-CP	Correspondence with counsel regarding employee grievance.
306-8	A-CP	Correspondence with counsel regarding employee grievance.
310-14	A-CP	Correspondence with counsel regarding employee grievance.
316-18	A-CP	Correspondence with counsel regarding employee.
330-1	A-CP	Correspondence with counsel regarding various contracts and potential litigation.
334	A-CP	Correspondence with counsel regarding employee contract.
390	A-CP	Correspondence with counsel regarding rescheduled meeting.
394	Privacy	Correspondence including address and phone number.
422-3	A-CP	Correspondence with counsel regarding employee.
475-6	Student Record	Correspondence regarding student suspension.
518-9	Student Information	Correspondence regarding student.

M H M U R P H Y H E S S E
 T L T O O M E Y & L E H A N E L L P
Attorneys at Law

Division of Public Records

August 2, 2019

Page 3

521	Student Information	Request for diploma.
532-4	Student Information	Request for transcript.
535	Student Information	Request for transcript.
537-8	Student Information	Request for transcript.
546	Privacy	Request for medical leave.
548	A-CP	Correspondence with counsel regarding employee grievance.
550	Student Information	Correspondence regarding student medical emergency.
594-5	Privacy	Correspondence regarding employee.
610-2	A-CP	Correspondence with counsel regarding employee.
637-40	Student Information	Correspondence regarding potential student.
650-52	Privacy	Correspondence regarding potential employment.
745-6	Privacy	Correspondence regarding employee's personal matter.
757	Student Information	Correspondence from Student
832	A-CP	Correspondence with counsel regarding employee grievance.
905-8	Privacy	Correspondence regarding employee grievance.
910-14	Privacy	Correspondence regarding employee grievance.
917	A-CP	Correspondence with counsel regarding employee grievance.
920	Student Information	Correspondence regarding student information.
945-49	A-CP	Correspondence with counsel regarding contract negotiation.
955-9	A-CP	Correspondence with counsel regarding contract negotiation.
964-71	A-CP	Correspondence with counsel regarding contract negotiation.
995-96	A-CP	Correspondence with counsel regarding deposition transcript.
1026-7	A-CP	Correspondence with counsel regarding settlement.
1029-30	A-CP	Correspondence with counsel regarding settlement.
1064-65	Student Information	Correspondence regarding appeal of student suspension.
1078-79	Privacy	Correspondence regarding students.
1091	Privacy	Correspondence regarding employee matter.
1094-1103	A-CP	Correspondence with counsel regarding settlement.
1104-1114	A-CP	Correspondence with counsel regarding settlement.
1153-4	Student Information	Correspondence regarding specific student.
1196	A-CP	Correspondence with counsel regarding scheduling.
1209-12	Privacy	Employee request for vacation day.
1215-16	Privacy	Employee request for vacation day.
1240	Privacy	Correspondence regarding employee personal matter.

REQUEST NO. 2 (SPR19/0688): Emails between the following staff members from Monday, March 4, 2019 to Friday, March 15, 2019 in regards to the cell phone policy:

- a. Math and Science Cluster Chair Carol Chisolm

M H M U R P H Y H E S S E
T L T O O M E Y & L E H A N E L L P
Attorneys at Law

Division of Public Records

August 2, 2019

Page 4

- b. Interim Transportation & Manufacturing Cluster Chair Arthur Cornellier
- c. Personal Services Cluster Chair Maureen Griffin
- d. Construction Technology Cluster Chair Daniel Hamel
- e. ELA/ELE/Social Studies Cluster Chair Kathryn Palladino
- f. Technology Cluster Chair Margaret Sarmento
- g. Dean of Discipline & Attendance Ronald Vercellone
- h. Assistant Principal Linda Zambino
- i. Senior Assistant Principal Jaime Costa
- j. Assistant Superintendent Jill Davis

RESPONSE: Greater Lowell is not in possession of any records that are responsive to this request.

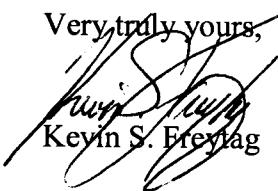
The documents you requested are available for download at the following site:

<https://mhtl.sharefile.com/d-see71a714f514620b>

Thank you for your patience in this matter.

You have the right of appeal to the supervisor of records under subsection (a) of section M.G.L. c. 66, § 10A and the right to seek judicial review of an unfavorable decision by commencing a civil action in the superior court under subsection (c) of section M.G.L. c. 66, § 10A.

Very truly yours,



Kevin S. Freytag

KSF:

Enclosure

cc: Superintendent Joseph Mastrocola
Greater Lowell Technical High School
250 Pawtucket Boulevard
Tyngsborough, MA 01879

Division of Public Records
One Ashburton Place, Room 1719
Boston, MA 02108
Telephone: (617) 727-2832
Fax: (617) 727-5914
Email: pre@sec.state.ma.us